Notice of Allowability	Application No.	Applicant(s)	
	09/693,239	WADDELL, HERBERT HOWELL	
	Examiner	Art Unit	
	Meredith C. Petravick	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *an appeal brief filed 8/15/2005*.

2. ☒ The allowed claim(s) is/are *16-55*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Albert Wai-Kit Chan on 9/15/06. Fee for the extra claim are to be charged to deposit account # 50-1891.

The application has been amended as follows: Cancel claims 1-15 and enter the following claims:

16. An apparatus for gathering, picking up and carrying materials comprising:

a) two grasping elements which each have a shaft with a grasping head at one end;

b) flexible coupling means which can be moved along the shafts of the grasping elements to connect them together while permitting each of the grasping elements to rotate along the axes of their shafts and to pivot with respect to each other so that the grasping heads can be brought together or moved apart from each other;

c) wherein each shaft has a length of two to six feet; and

d) wherein each grasping head consists of tines arrayed to form a rake.

17. An apparatus as in claim 16, wherein the shafts have a diameter of 0.5 to 3 inches.

18. An apparatus as in claim 16, wherein the coupling means consists of two loops that have diameters slightly larger than the diameters of the shafts to be connected and said loops are connected by a flexible linkage means having a length of one-fourth to four inches.

19. An apparatus as in claim 18, wherein the entire coupling means is molded of or cut from sheets of an inherently flexible material.

20. An apparatus as in claim 18, wherein the flexible linkage of the coupling means is made of a rigid material fabricated in the form of a chain to impart flexibility.

21. An apparatus as in claim 18, wherein the flexible linkage means is a band of flexible material.

22. An apparatus as in claim 18, wherein the loops of the coupling means contain clamping devices that permit them to be moved along the shafts to a desired position and then clamped there to prevent further unwanted movement.

23. An apparatus as in claim 18, wherein the coupling means is made from rubber.

24. An apparatus as in claim 18, wherein the coupling means is made from plastic.

25. An apparatus as in claim 18, wherein the coupling means is made from metal.

26. An apparatus for gathering, picking up and carrying materials comprising:

a) two rakes which each have a shaft with a grasping head at one end;

b) flexible coupling means which can be moved along the shafts of the rakes to connect them together while permitting each of the rakes to rotate along the axes of their shafts and to pivot with respect to each other so that the grasping heads can be brought together or moved apart from each other; and

c) wherein each shaft has a length of two to six feet.

27. An apparatus as in claim 26, wherein the shafts have a diameter of 0.5 to 3 inches.

28. An apparatus as in claim 26, wherein the coupling means consists of two loops that have diameters slightly larger than the diameters of the shafts to be connected and said loops are connected by a flexible linkage means having a length of one-fourth to four inches.

29. An apparatus as in claim 28, wherein the entire coupling means is molded of or cut from sheets of an inherently flexible material.

30. An apparatus as in claim 28, wherein the flexible linkage of the coupling means is made of a rigid material fabricated in the form of a chain to impart flexibility.

31. An apparatus as in claim 28, wherein the flexible linkage means is a band of flexible material.

32. An apparatus as in claim 28, wherein the loops of the coupling means contain clamping devices that permit them to be moved along the shafts to a desired position and then clamped there to prevent further unwanted movement.

33. An apparatus as in claim 28, wherein the coupling means is made from rubber.

34. An apparatus as in claim 28, wherein the coupling means is made from plastic.

35. An apparatus as in claim 28, wherein the coupling means is made from metal.

36. An apparatus for gathering, picking up and carrying materials comprising:

a) two shovels, for shoveling dirt, snow or other material, which each have a shaft with a grasping head at one end;

b) flexible coupling means which can be moved along the shafts of the shovels to connect them together while permitting each of the shovels to rotate along the axes of their shafts and to pivot with respect to each other so that the grasping heads can be brought together or moved apart from each other;

c) wherein each shaft has a length of two to six feet; and

37. An apparatus as in claim 36, wherein the shafts have a diameter of 0.5 to 3 inches.

38. An apparatus as in claim 36, wherein the coupling means consists of two loops that have diameters slightly larger than the diameters of the shafts to be connected and said loops are connected by a flexible linkage means having a length of one-fourth to four inches.

39. An apparatus as in claim 38, wherein the entire coupling means is molded of or cut from sheets of an inherently flexible material.

40. An apparatus as in claim 38, wherein the flexible linkage of the coupling means is made of a rigid material fabricated in the form of a chain to impart flexibility.

41. An apparatus as in claim 38, wherein the flexible linkage means is a band of flexible material.

42. An apparatus as in claim 38, wherein the loops of the coupling means contain clamping devices that permit them to be moved along the shafts to a desired position and then clamped there to prevent further unwanted movement.

43. An apparatus as in claim 38, wherein the coupling means is made from rubber.

44. An apparatus as in claim 38, wherein the coupling means is made from plastic.

45. An apparatus as in claim 38, wherein the coupling means is made from metal.

46. An apparatus for gathering, picking up and carrying materials comprising:

a) two grasping elements which each have a shaft with a grasping head at one end;

b) flexible coupling means which can be moved along the shafts of the grasping elements to connect them together while permitting each of the grasping elements to rotate along the axes of their shafts and to pivot with respect to each other so that the grasping heads can be brought together or moved apart from each other;

c) wherein each shaft has a length of two to six feet; and

d) wherein each grasping head consists of shovel head that is fabricated from sheets of metal, wood or plastic and that extends along the axes of the shaft for three to eighteen inches and extends sideways equally on both sides of the shaft for a total wide of three to twenty four inches.

47. An apparatus as in claim 46, wherein the shafts have a diameter of 0.5 to 3 inches.

48. An apparatus as in claim 46, wherein the coupling means consists of two loops that have diameters slightly larger than the diameters of the shafts to be connected and said loops are connected by a flexible linkage means having a length of one-fourth to four inches.

49. An apparatus as in claim 48, wherein the entire coupling means is molded of or cut from sheets of an inherently flexible material.

50. An apparatus as in claim 48, wherein the flexible linkage of the coupling means is made of a rigid material fabricated in the form of a chain to impart flexibility.

51. An apparatus as in claim 48, wherein the flexible linkage means is a band of flexible material.

52. An apparatus as in claim 48, wherein the loops of the coupling means contain clamping devices that permit them to be moved along the shafts to a desired position and then clamped there to prevent further unwanted movement.

53. An apparatus as in claim 48, wherein the coupling means is made from rubber.

54. An apparatus as in claim 48, wherein the coupling means is made from plastic.

55. An apparatus as in claim 48, wherein the coupling means is made from metal.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meredith C Petravick
Primary Examiner
Art Unit 3671

September 14, 2006